



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/801,607 | 03/08/2001 | Kevin Gene Kehne | AUS920010115US1 | 5318 |

35525 7590 08/26/2004

IBM CORP (YA)
C/O YEE & ASSOCIATES PC
P.O. BOX 802333
DALLAS, TX 75380

| |
|----------|
| EXAMINER |
|----------|

DUONG, THOMAS

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2143

DATE MAILED: 08/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|-------------------------------------|--|
| Office Action Summary | Application No. 09/801,607 | Applicant(s) KEHNE ET AL. | |
| | Examiner Thomas Duong | Art Unit 2143 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-36 are rejected under 35 U.S.C. 102(e) as being anticipated by King (US006055224A).
3. With regard to claims 1, 7, 11, 17, 23, 27 and 33, King reference discloses,
 - *responsive to detecting a request from a terminal, sending a signal to a hardware switch to redirect the data stream from being sent through a first port to a processor; (King, col.10, line 61 – col.11, line 8; fig.9a-b; King teaches of a device that receives a data stream through a RS-232 port, converts or packetizes into Ethernet packets and transmits the new data stream through a different port)*
 - *packetizing the data stream for transmission over a second port to form a packetized data stream; and (King, col.10, line 61 – col.11, line 8; col.11, lines 25-43; fig.9a-b; fig.10c; King teaches of a device that receives a data stream through a RS-232 port, converts or packetizes into Ethernet packets and transmits the new data stream through a different port)*

- *sending the packetized data stream to a destination over the second port.* (King, col.10, line 61 – col.11, line 8; fig.9a-b; King teaches of a device that receives a data stream through a RS-232 port, converts or packetizes into Ethernet packets and transmits the new data stream through a different port)

4. With regard to claims 2-3, 9-10, 16, 18-19, 25-26, 28-29 and 35-36, King reference discloses the invention substantially as claimed,

See *claims 1, 7, 17, 23, 27 and 33* rejection as detailed above.

Furthermore, King reference discloses,

- *wherein the first port is a RS-232 standard port* (King, col.10, line 61 – col.11, line 8; fig.9a-b; King teaches of a device that receives a data stream through a RS-232 port, converts or packetizes into Ethernet packets and transmits the new data stream through a different port)
- *wherein the data stream is a RS-232 standard data stream.* (King, col.10, line 61 – col.11, line 8; fig.9a-b; King teaches of a device that receives a data stream through a RS-232 port, converts or packetizes into Ethernet packets and transmits the new data stream through a different port)

5. With regard to claims 4-5, 15, 20-21 and 30-31, King reference discloses the invention substantially as claimed,

See *claims 1, 7, 17, 23, 27 and 33* rejection as detailed above.

Furthermore, King reference discloses,

- *wherein the packets are formed for transfer using a TCP/IP protocol.* (King, col.10, line 61 – col.11, line 8; col.11, lines 25-43; fig.9a-b; fig.10c; King teaches of a device that receives a data stream through a RS-232 port, converts or

packetizes into Ethernet packets and transmits the new data stream through a different port)

6. With regard to claims 6, 8, 12-14, 22, 24, 32 and 34, King reference discloses the invention substantially as claimed,

See *claims 1, 7, 17, 23, 27 and 33* rejection as detailed above.

Furthermore, King reference discloses,

- *wherein the data stream is an outgoing data stream further comprising:*
 - *receiving an incoming data stream, wherein the incoming data stream is packetized; and unpacketizing the incoming data stream to form an unpacketized incoming data stream; and sending the unpacketized incoming data stream to an input/output unit associated with the first port. (King, col.10, line 61 – col.11, line 8; col.11, lines 25-43; fig.9a-b; fig.10c; King teaches of a device that receives a data stream through a RS-232 port, converts or packetizes into Ethernet packets and transmits the new data stream through a different port)*

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:
- Vij et al. (US006452910B1)
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Duong whose telephone number is 703/305-1886. The examiner can normally be reached on M-F 7:30AM - 4:00PM.


Art Unit: 2143

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on 703/308-5221. The fax phone numbers for the organization where this application or proceeding is assigned are 703/872-9306 for regular communications and 703/872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703/305-3900.

Thomas Duong (AU2143)

August 18, 2004


JACK B. HARVEY
SUPERVISORY PATENT EXAMINER